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JAN 26 2005

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FACSIMILE TRANSMITTAL

TO:**FROM:**

Name: Mail Stop AMENDMENT
Group Art Unit 3738/Examiner P. Prebilic

Name: Thomas H. Martin, Esq.

Firm: U.S. Patent & Trademark Office

Phone No.: 330-877-2277

Fax No.: 703-872-9306

No. of Pages: (including this): 4

Subject: U.S. Patent Application No. 09/593,591
Gary K. Michelson, M.D.

Date: January 26, 2005

Filed: June 13, 2000

Confirmation Copy to Follow: NO

MANUFACTURED MAJOR LONG BONE RING

IMPLANT SHAPED TO CONFORM TO A
PREPARED INTERVERTEBRAL
IMPLANTATION SPACE

Attorney Docket No. 101.0078-00000

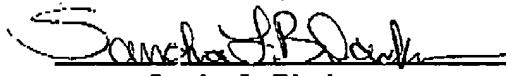
Customer No. 22882

Confirmation No.: 5619

Message:

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that the attached Transmittal Form (in duplicate; \$1,550.00 four-month extension fee to be charged to Deposit Account No. 50-1066) and Reply to Restriction Requirement are being facsimile transmitted to the U.S. Patent and Trademark Office on January 26, 2005.



Sandra L. Blackmon

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FORM PTO-1083

JAN 26 2005

PATENT

Attorney Docket No. 101.0078-00000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary K. Michelson, M.D.

Serial No: 09/593,591

Filed: June 13, 2000

For: MANUFACTURED MAJOR LONG
BONE RING IMPLANT SHAPED TO
CONFORM TO A PREPARED
INTERVERTEBRAL IMPLANTATION
SPACE

Confirmation No. 5619

Group Art Unit: 3738

Examiner: P. Prebilic

Mail Stop AMENDMENT
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450

Dear Sir:

Transmitted herewith is a reply to the Restriction Requirement dated August 26, 2004 in the above-identified application.

- No additional fee is required.
- Applicant hereby requests a four-month extension of time to respond to the above office action.
- A fee in the amount of \$1,590.00 to cover the four-month extension of time is to be charged to Deposit Account No. 50-1066.
- The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-1066. A copy of this sheet is enclosed.
- Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
- Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,
 MARTIN & FERRARO, LLP

Date: January 26, 2005

By: 
 Thomas H. Martin
 Registration No. 34,383

1557 Lake O'Pines Street, NE
 Hartville, Ohio 44632
 Telephone: 330-877-0700
 Facsimile: 330-877-2030

PATENT
Attorney Docket No. 101.0078-00000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
Gary K. Michelson)	Confirmation No. 5619
Serial No.: 09/593,591)	
Filed: June 13, 2000)	
For: MANUFACTURED MAJOR LONG)		Group Art Unit: 3738
BONE RING IMPLANT SHAPED)		Examiner: P. Prebilic
TO CONFORM TO A PREPARED)		
INTERVERTEBRAL)		
IMPLANTATION SPACE)		

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY TO RESTRICTION REQUIREMENT

In reply to the Restriction Requirement of August 26, 2004, the period for reply having been extended for four (4) months by a request for extension and fee payment filed concurrently herewith, Applicant provisionally elects to prosecute claims 1, 2, 4, 5, 7-20, 22-30, 32-42, 85, 86, 88, 89, 91-127, 129, 148-152, 158-164, 166, 168-182, 203, 204, 206, 208-224, 226, 228-242, 263, 264, 266, and 268-282 directed to Species A.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this reply, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 50-1066.

Respectfully submitted,

MARTIN & FERRARO, LLP

Dated: January 26, 2005

By: 
Thomas H. Martin
Registration No. 34,383

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Hartville, Ohio 44632
Telephone: (330) 877-0700
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